F.O. 881/7685

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EAST AFRICA PROTECTORATE.

NOTICE.

THE following Regulations made by His Majesty's Commissioner and Consul-General, and allowed by the Secretary of State, are published for general information.

His Majesty's Commissioner and Consul-General.

Mombasa, December 1, 1901.

KING'S REGULATIONS UNDER ARTICLE 45 OF "THE EAST AFRICA ORDER IN COUNCIL, 1897," AND ARTICLE 11 OF "THE EAST AFRICA ORDER IN COUNCIL, 1899."

No. 20 of 1901.

Nairobi Municipal Council.

1. The following Regulations shall apply to the area comprised within a radius of 1½ miles from the present office of His Majesty's Sub-Commissioner in Ukamba at Nairobi, which area, including any extension, thereof made as hereinafter provided, shall be called the township of Nairobi.

2. His Majesty's Sub-Commissioner in Ukamba shall annually nominate during the first week in April one Protectorate official, two Railway officials, whose names shall be furnished to him by the Chief Engineer for that purpose, and three of the leading merchants or other residents in the township of Nairobi (not being Protectorate or Railway officials) to act with him as a Committee for the purposes of these Regulations.

3. Meetings of the Committee shall be held at regular intervals. Special meetings may be convened as required by the Sub-Commissioner on his own motion, or upon the written request of two members of the Committee, provided that one week's notice of such special meeting shall have been served on every member of the Committee by notice left at his local address. Three members of the Committee shall form a quorum for the transaction of business. All resolutions of the Committee shall be passed by a majority of the members present, and in the event of there being an equal number of votes the Sub-Commissioner, who shall be the Chairman of the Committee, shall have a casting vote.

4. The Sub-Commissioner shall in the month of December in every year submit to the Committee an estimate of the cost of policing, lighting, and cleaning the township of Nairobi for the ensuing year. Such estimate shall be considered by the Committee, and may be approved by them with or without amendment.

5. When such estimate has been so approved, the Committee shall proceed to declare and levy such rate upon the rateable value of all property hereinafter described as may be necessary to provide for the estimated cost as aforesaid.

6. All lands and buildings, of whatever nature, within the limits of the township of Nairobi shall be assessed by the Committee upon the estimated annual gross value or rental thereof respectively, and such assessment when made shall be deemed to be the rateable value of such lands and buildings: Provided that any lands used as arable or pasture ground only, and any woodlands or market gardens, shall be assessed in proportion of one-fourth only of the annual gross value: Provided also that no rate shall be levied or be charged upon any lands or buildings for the time being in the occupation of His Majesty or of any Department of His Majesty's Government, or of the Government of the Protectorate, or Railway Administration, and used for public purposes only, or appropriated exclusively to public worship, public roads, public schools, public libraries, public hospitals, public lunatic asylums, or public burial-grounds, or which, with the approval of the Commissioner or of the Railway Committee, if within the Railway zone, have been appropriated to public gardens.

7. Notice of such assessment shall be served upon the occupier of every such building, or if the occupier is not known or cannot be found, shall be affixed to the door of such building, and thereupon the occupier shall be deemed to have been duly served.

8. It at the time of making any rate any premises in respect of which the rate may be made are occupied, such premises shall be included in the rate, but the rate shall not be charged on any person in respect of the same while they continue to be unoccupied; but if they are afterwards occupied during any part of the period for which the rate is made, the name of the incoming occupier shall be inserted in the rate, and a proportionate part of the rate may be collected from such occupier.

9. In the event of any occupier being dissatisfied with the rateable value of his property as assessed by the Committee, he may, within one month after service of such notice of assessment as hereinbefore provided, lodge written notice of his objections with the Sub-Commissioner. Such objections shall be submitted to the Committee, who may either accede to such objections in whole or part, or may refuse to alter their assessment.

10. In so far as the Committee may refuse to accede to such objections, the occupier may, within one month of receipt of notice of such refusal, lodge a notice of appeal with the Sub-Commissioner, and such appeal shall be heard by the Protectorate Judge or such other Judge as the Commissioner may from time to time appoint for the purpose, whose decision shall be final.

11. If no increase is made in the assessment of any lands or buildings at the time of annual assessments it shall be unnecessary to serve a fresh notice of assessment on the occupier, provided that the occupier may in the month of April in any year lodge a notice of objection to his assessment in the manner aforesaid, but notice of any increase in the assessment shall be served as aforesaid.

12. The annual estimate of expenses and the rate to be levied shall be published in the official Gazette and in such other manner as may be usual for publishing notifications in Nairobi; and there shall be an annual audit, to be conducted by the Government auditor.

13. All rates collected under the provisions of these Regulations shall be expended exclusively in policing, cleansing, and lighting the township of Nairobi, and in defraying the necessary expenses of the Committee.

14. From the date when a rate has been levied and has been notified to the public in the official Gazette, the amount due in respect of any rateable property shall become a debt due from the occupier thereof to the Committee, and recoverable accordingly, and it shall, also be a first charge upon the property, and shall rank in priority to all other liens, mortgages, or charges whenever created for the period of three years from the date of the aforesaid publication in the official Gazette, but no longer.

15. The Committee may from time to time, with the approval of the Commissioner, make bye-laws for the preservation of public health and good order within the township, and any breach of such bye-laws shall be a breach of these Regulations and punishable with such penalties not exceeding 50 rupees fine and imprisonment of either description for one month, as the bye-laws may prescribe: Provided that the Committee shall call for a Report from a Protectorate Medical Officer before making any bye-law relating to public health, and provided that in case of urgency declared in any such bye-laws, the same shall take effect before such approval, and shall continue to have effect unless and until they are disallowed by the Commissioner, and until notice of such disallowance is received and published by the Committee, and such disallowance shall be without prejudice to anything done or suffered under such bye-laws in the meantime.

16. The Commissioner may from time to time declare any area adjacent to the township of Nairobi, as defined by these Regulations, to be part of the township of Nairobi, and such declaration shall take effect from the date on which such declaration is published in the official Gazette.

17. "The Nairobi Municipal Regulations, 1900," are hereby repealed.

18. These Regulations may be cited as "Nairobi Municipal Regulations, 1901."

C. ELIOT,

His Majesty's Commissioner and Consul-General.

Mombasa, December 1, 1901.

Allowed :

LANSDOWNE,

His Majesty's Secretary of State for Foreign Affairs.

East Africa Protectorate. 1 Dec. 1901. TS Selected Foreign Office Files on Africa. The National Archives (Kew, United Kingdom). Nineteenth Century Collections Online. Web. 29 Apr. 2016.

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